

**REMARKS**

Claims 1-10 are pending in this application. By this Amendment, claims 1-10 have been amended. The amendments to claims 1-10 are to place the claims in a common U.S. format and to correct minor informalities found therein. The amendments to claims 2, 4-8, and 10 have no bearing on the patentability of the subject matter found therein, as the amendments do not change how these claims are interpreted. The amendment to claim 3 provides proper antecedent basis by changing the term "the control unit" to "the control circuit" to correspond with claim 2. Amended claims 1 and 9 change the word "top" to "upper" to agree with the specification at page 5, line 9. Similarly, the specification has been amended by changing the term "top part 14A" to "upper part 14A" in agreement with the specification at page 5, line 9. Accordingly, no new matter has been added. The specification has also been amended to correct minor informalities therein. Also, the Abstract has been amended.

The Applicants appreciate the indication for allowability of claims 2-5, 7, and 10. However, for the reasons discussed below, Applicants submit that all of claims 1-10 are allowable.

On page 2 of the Office Action, the reference FR 2,801,092 A1 was not considered by the Examiner because allegedly there was no statement of relevance or English translation provided. The Information Disclosure Statement (IDS) filed August 21, 2003, does comply with 37 C.F.R. §1.98(a)(2). The Examiner is respectfully reminded that a copy of the translation may be provided if a written English-language translation of a non-English-language document is within the possession or is readily available to any individual designated in §1.56(c) (Emphasis added). However, the IDS filed on August 21 included an English language version of the Foreign Search Report and a statement of relevance in paragraph 2 of the IDS. The statement of relevance was that the references were cited in a

counterpart foreign application. Provision of the English translation of the Foreign Search Report satisfies the statement of relevance (MPEP §609III A(3), page 600-129). Accordingly, the Information Disclosure Statement filed August 21, 2003, does comply with 37 C.F.R. §1.98(a)(2). Thus, the reference must be considered. It is respectfully requested that the Examiner initial all references listed in the Information Disclosure Statement filed on August 21, 2003 as considered.

On page 2 of the Office Action, the specification was objected to because of informalities found therein. The amendment to Fig. 1 adds reference number 10 to agree with the specification at page 7, line 10. Also, at page 3, line 20, claim 9 is adequately disclosed. In particular, the two poles that are referred to are poles 18, 26. This is clearly described in the specification at page 6, lines 4-8. Further, amended claim 9 clarifies that the two poles are the bottom and top poles. Thus, it is respectfully requested that the objection to the specification be withdrawn.

On page 3 of the Office Action, the drawings were objected to. As discussed above, the amendment to Fig. 1 adds reference number 10 to designate the balloon. The amendments to Figs. 2 and 5 change the reference number 32 to reference number 14 to designate the mast in agreement with the specification, at page 5, lines 22-24. Also, the reference number 38 in Figs. 1 and 5 is properly described in the specification at page 6, line 7. Further, the plurality of rungs, which constitute an internal ladder between two poles, as recited in claim 9, is described in the specification at page 6, lines 4-8. As discussed above, claim 9 is amended to clarify that the two poles are the bottom and top poles. Thus, it is respectfully requested that the objection to the drawings be withdrawn.

On page 5 of the Office Action, claims 1 and 10 were objected to for informalities found therein. The amendment to claim 1 corrects these informalities. As to the objection to claim 10, the Examiner is respectfully reminded that when the application is ready for

allowance, the Examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by the Applicant. See 37 C.F.R. §1.126. Further, Applicant is not permitted to renumber claims under U.S. rules. Claim 10 depends from and follows claim 1 in presentation. It is impossible to present claims in a precise sequence when dependent claims exist. For example, in this application claim 2 depends from claim 1, as do claims 5, 6, 7, 9, and 10; claim 3 depends from claim 2 as does claim 4, and claim 8 depends from claim 4. How can they be rearranged without at least one claim not being in a strict sequence? Thus, it is respectfully requested that the objection to the claims be withdrawn.

On page 6 of the Office Action, claims 1 and 6 were rejected under 35 U.S.C. §102(b) over Chabert, U.S. Patent No. 6,012,826. The rejection is respectfully traversed.

Applicants' invention of claim 1 calls for a balloon, comprising an envelope made of translucent flexible material and being inflatable by a gas, a mast for supporting the envelope, lighting means having at least one electric lamp arranged inside the envelope, means for electrical power supply of the lamp, and electro-pneumatic blowing means for inflating the envelope, wherein an upper part of the mast passes vertically through the envelope to give the envelope a static rigidity at the level of the diametrically opposed bottom pole and top pole, the mast being hollow and having at least one air outlet orifice in the upper part to perform inflation of the envelope by the electro-pneumatic means. Chabert fails to disclose these features.

In Chabert, the mast 25 is located outside and does not pass through the envelope (Fig. 1). Instead, the mast 25 is inserted by clipping on a holding leg 24 extending downward out of the envelope 12 (col. 2, lines 38-44). The bulb 16 is of the halogen type and is protected by a grid 38, which gives the balloon structure including the envelope 12 a mechanical rigidity effect (Figs. 1-3). Chabert's pneumatic inflation device 52 includes an

intake orifice 54 passing through the support plate 22 to suck air in from the outside, and a discharge orifice 56 to send the air under pressure to the inside of the envelope 12 by means of a hole provided in the cover 28 (col. 3, lines 22-28). Accordingly, the mast 25 is not hollow and does not have at least one air outlet orifice in the upper part to perform inflation of the envelope 12. Further, the mast 25 does not pass vertically through the envelope 12 to give the envelope a static rigidity at the level of the diametrically opposed bottom pole and top pole.

Thus, Chabert does not literally disclose each and every feature of Applicant's claimed invention as recited in claim 1 and the rejection under 35 U.S.C. §102 is inappropriate. Further, for the reasons discussed, Chabert does not suggest the features as recited in claim 1.

Because Chabert does not anticipate or suggest the recited features of claim 1, Chabert cannot possibly anticipate or suggest the subject matter of claim 6, which depends from claim 1 for the reasons discussed with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Kurt P. Goudy  
Registration No. 52,954

JAO:KPG/tea

Attachment:

Amended Abstract  
Replacement Drawing Sheets

Date: June 8, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
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**Amendments to the Drawings:**

The attached replacement drawing sheets make changes to Figs. 1, 2, and 5 and replace the original sheets with Figs. 1, 2, and 5.

Attachment: Replacement Sheets (3)